

Application No.: 09/871,024

**REMARKS**

By this Amendment, Applicants amend claims 1, 2, 5, 6, 7, 10, 11, 12, 15, 16, 19, 22, and 23, and add new claims 24-32. Claims 1-32 are therefore pending.

In the Office Action of March 22, 2004<sup>1</sup> ("OA"), claims 1-23 were rejected under 35 U.S.C. § 102(e) as being "clearly anticipated" by U.S. Patent No. 6,353,663 to *Stevens et al.* ("*Stevens*"). Applicants traverse the rejection of claims 1-23 under 35 U.S.C. § 102(e) because *Stevens* fails to anticipate the claims.

In order to properly anticipate Applicants' claimed invention under 35 U.S.C. § 102(e), each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the...claim[s]." See M.P.E.P. § 2131 (8th Ed., Aug. 2001), quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." M.P.E.P. § 2131 (8th Ed. 2001), p. 2100-69. *Stevens* fails to anticipate claims 1-23 because it does not teach or suggest each and every element of the claims, as currently presented.

Independent claim 19, as currently presented, recites *inter-alia* a computer-readable medium. With regard to independent claim 1, *Stevens* does not teach at least "updating the preference information based on whether the connection is accepted in response to the connection request," as currently claimed. *Stevens* is directed to call screening (Abstract; col. 1, lines 60-61). In *Stevens*'s system, a calling party number is "compared to authorized numbers in a database" (col. 3, lines 13-16; Fig. 2, step 32). If the calling party is authorized, a connection is

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether or not any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

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completed between the calling and called party (col. 3, lines 18-20; Fig. 2, step 33). If the calling party is not authorized, a fee can be charged to the calling party to complete the call (Abstract; *see* Fig. 2, steps 36, 38, and 42).

Although *Stevens* describes comparing calling party numbers to authorized numbers in a database, *Stevens* does not disclose “updating ... information [reflecting a desire on behalf of the destination to accept a connection from the source] based on whether the connection is accepted in response to the connection request,” as recited in claim 1. While *Stevens* mentions an “authorized caller” database and that a called party subscribes to a screening service, the reference does not disclose that the service or database updates information, as claimed. For at least these reasons, *Stevens* does not teach at least the claimed “updating” and thus does not teach each and every feature recited in claim 1 as currently presented.

As set forth above, anticipation under 35 U.S.C. § 102(e) requires that an applied reference disclose each and every claim element in as complete detail as is in the claim. *Stevens* does not teach each and every feature of independent claim 1 and thus, as a matter of law, cannot anticipate claim 1.

Independent claims 6, 11, and 16, although of different scope, recite subject matter similar to the “updating” recited in claim 1. For at least the reasons advanced above in connection with claim 1, *Stevens* does not anticipate claims 6, 11, and 16.

Independent claim 19, as currently presented, recites a computer-readable medium comprising:

information reflecting a desire on behalf of the at least one destination to accept a connection from the at least one source, wherein the information reflecting a desire on behalf the at least one destination is updated based on behavior of the source.

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*Stevens* does not disclose the above feature. While mentioning an "authorized caller" database, *Stevens* does not disclose updating information based on behavior of the destination, as recited in claim 19. As described above, *Stevens* does not disclose or suggest updating the "authorized caller" database. Because *Stevens* fails to teach or suggest each and every feature of claim 19, *Stevens* does not anticipate claim 19.

Independent claims 22 and 23, although of different scope, recite subject matter having some relation to that noted above in claim 19. Specifically, claim 22 recites, *inter alia*, "means for updating the information reflecting a desire on behalf of the destination to accept a connection from the source based on behavior of the destination," and claim 23 recites, *inter alia*, "means for updating the information reflecting a desire on behalf of the node to accept a connection from the source based on behavior of the node." *Stevens* does not anticipate claims 22 and 23 for at least the same reasons presented above in connection with claim 19.

Because *Stevens* fails to anticipate claims 1, 6, 11, 16, 19, 22, and 23, as currently presented, the rejection of these claims under 35 U.S.C. §102(e) should be withdrawn. The rejection of claims 2-5, 7-10, 12-15, 17, 18, 20, and 21 should be withdrawn as well, at least because of the respective dependence of those claims from base claims 1, 6, 11, 16, and 19. Accordingly, Applicants request withdrawal of the rejection of claims 1-23 under 35 U.S.C. §102(e) and the timely allowance of these pending claims.

New claims 24, 25, 26, and 27 depend from base claims 1, 6, 11, and 16, respectively. Claims 24-27 are not anticipated or rendered obvious by *Stevens* at least because of such dependency. Applicants therefore request the timely allowance of these new dependent claims.

Further, new independent claim 28 recites, *inter alia*:

determining, at the node, whether or not the source is an approved source based on approval information, wherein the approval information is based in part on behavior of the destination;

requesting the connection between the source and the destination when the source is an approved source; and

determining whether the source accepts a charge associated with the connection when the source is not an approved source and, if the unapproved source accepts the charge, requesting the connection between the unapproved source and the destination, including notifying the destination that the source is not an approved source.

Applicants submit that *Stevens* fails to teach or suggest the above-noted features and therefore request the timely allowance of this new independent claim. New claims 29-32 should be allowed at least because of their respective dependence from base claim 28. Moreover, Applicants submit that *Stevens* also fails to teach or suggest the features recited in new dependent claims 29-32. For at least these reasons, Applicants request the timely allowance of new claims 24-32.

The claimed invention is neither anticipated nor rendered obvious in view of the references cited against this application. Applicants request the Examiner's reconsideration of the application in view of the remarks presented herein, and the timely allowance of the pending claims.

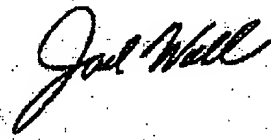
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 07-2347.

Respectfully submitted,

Dated: July 19, 2004

By:

Joel Wall  
Reg. No. 25,648



Verizon Corporate Services Group Inc.  
600 Hidden Ridge, HQE03H14  
Irving, TX 75038  
(972) 718-4800